

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DIVISION 80, LLC,

Plaintiff,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

Defendants.

Case No. 3:22-cv-00148

District Judge Jeffrey V. Brown

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE OPPOSITION
IN EXCESS OF PAGE LIMIT AND TO SET A BRIEFING SCHEDULE**

Counsel for Defendants respectfully moves this Court for an order for leave to file a response in opposition to Plaintiff's Motion for Preliminary Injunction in excess of the standard 30-page limit set forth in this Court's rules of practice, not to exceed 65 pages, and to request that this Court set the requested briefing schedule set forth herein. Counsel for Defendants has conferred with counsel for Plaintiff on this motion, and Plaintiff does not oppose this motion.

The request for leave to file a response in opposition in excess of 30 pages is reasonable. Plaintiff requested an identical extension for its Motion for Preliminary Injunction, ECF No. 9, and Defendants did not oppose. The Court granted Plaintiff leave to file a Motion for Preliminary Injunction not exceeding 65 pages on June 6, 2022. ECF No. 10. Defendants only request the same length provided to Plaintiff.

The proposed briefing schedule is also reasonable. Plaintiff's Motion for Preliminary Injunction seeks injunctive relief related to a rule which has not yet taken effect, and will not

take effect until August 24, 2022. Plaintiff filed its Complaint on May 9, 2022, ECF No. 1, and filed its Motion for Preliminary Injunction 28 days later, on June 6, 2022. Defendants are seeking 25 days, through and including July 1, 2022, to file their response to Plaintiff's Motion for Preliminary Injunction. This is reasonable given that Defendants will need to address the many issues presented in Plaintiff's voluminous motion, and obtain the required agency and supervisory approval before filing.

Defendants' proposed briefing schedule would proceed as follows:

<u>Pleading</u>	<u>New Due Date</u>
Defendants' Response to Plaintiff's Motion for Preliminary Injunction	July 1, 2022
Plaintiff's Reply in Support of Motion for Preliminary Injunction	July 15, 2022

DATED: June 6, 2022

Respectfully submitted,

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/s/ Daniel Riess

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